#483

BILL NO. Z-91-08-07.

ZONING MAP ORDINANCE NO. Z-16-91

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. O-6.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> The east 45.2 feet of Lot Numbered 13 in Thieme's Subdivision of Lots Number 4, 5, 12, 13 and 14 and Part of Lots 6 and 11 of Piepenbrink's Addition to the City of Fort Wayne; and also the West 45.2 feet of the East 148.4 feet of Lot Numbered 8 in Bitler's Subdivision of Lots Numbered 15 and 16 of Piepenbrink's Addition to the City of Fort Wayne, all according to the record plats thereof.

and the symbols of the City of Fort Wayne Zoning Map No. O-6 as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Henry, seconded by Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations Committee and the City Plan Commission for recommendation and Public Hearing to be held af due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, da of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 8-13-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the ~~third~~ time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA				✓
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 9-10-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL) ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. Z-16-91 on the 10th day of September, 19 91

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of September, 19 91 at the hour of 4:00 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of September, 19 91, at the hour of 12:15 o'clock P M.,E.S.T.

PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

GENERAL FORM NO. 552

RECEIPT

CIC # 22774

No 10850

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., July 12 19 91

RECEIVED FROM Jack F. Eisa Sales Co., Inc. $ 100 00

THE SUM OF One Hundred and no/100's DOLLARS

ON ACCOUNT OF Rezoning @ 1326-30 E. Berry

W. E. D.

AUTHORIZED SIGNATURE

PAID BY: CASH ☑ CHECK ☑ M.O. ☐

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Jack F. Eiser Sales Co., Inc.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayn Indiana, by reclassifying from a/an R-2 District to a/an B-3-B District the property described as follows:

The east 45.2 feet of Lot Numbered 13 in Thieme's Subdivision of Lots Number 4,5,12,13 and 14 and Part of Lots 6 and 11 of Piepenbrink's Addition to the City of Fort Wayne; and also the West 45.2 feet of the East 148.4 feet of Lot Numbered 8 in Bitler's Subdivision of Lots Numbered 15 and 16 of Piepenbrink's Addition to the City of Fort Wayne, allaccording to the record plats thereof.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1326 & 1330 E. Berry St. Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Jack F. Eiser Sales CO., Inc.	820 Schick St. Ft. Wayne	William J. Scheele

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submit to the City Plan Commission prior to the legal notice pertaining to the ord being sent to the newspaper for legal publication. If the request for defe continuance or request that ordinances be taken under advisement is receive prior to the publication of the legal ad being published the head of the Pl Commission staff shall not put the matter on the agenda for the meeting at it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ordinance be taken under advisement, after the legal notice of said ordinan is forwarded to the newspaper for legal publication but shall schedule the for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Numbe
William J. Scheele	820 Schick St. Fort Wayne, Ind. 46803	219-426-6698

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoni and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Stre Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public He approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

The east 45.2 feet of Lot #13 in Thieme's Subdivision of Lots #4, #5, #12, #13, and #14 and parts of Lot #6 and #11 of Piepenbrink's Addition to the City of Fort Wayne; and also the west 45.2 feet of the east 148.4 feet of Lot #8 in Bitler's Subdivision of Lots #15 and #16 of Piepenbrink's Addition to the City of Fort Wayne, all according to the recorded plat thereof.

Owners of Property

(Name)	(Address)	(Signature)
Jack F. Eiser Sales CO., Inc.	820 Schick St. Ft. Wayne, Ind.	William Eiser

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY Survey no. 4151 Page 1 of 1

KEITH E. MOODY
REGISTERED PROFESSIONAL CIVIL ENGINEER NO. 11209 INDIANA
REGISTERED LAND SURVEYOR NO. 111836 INDIANA
ANGOLA, INDIANA

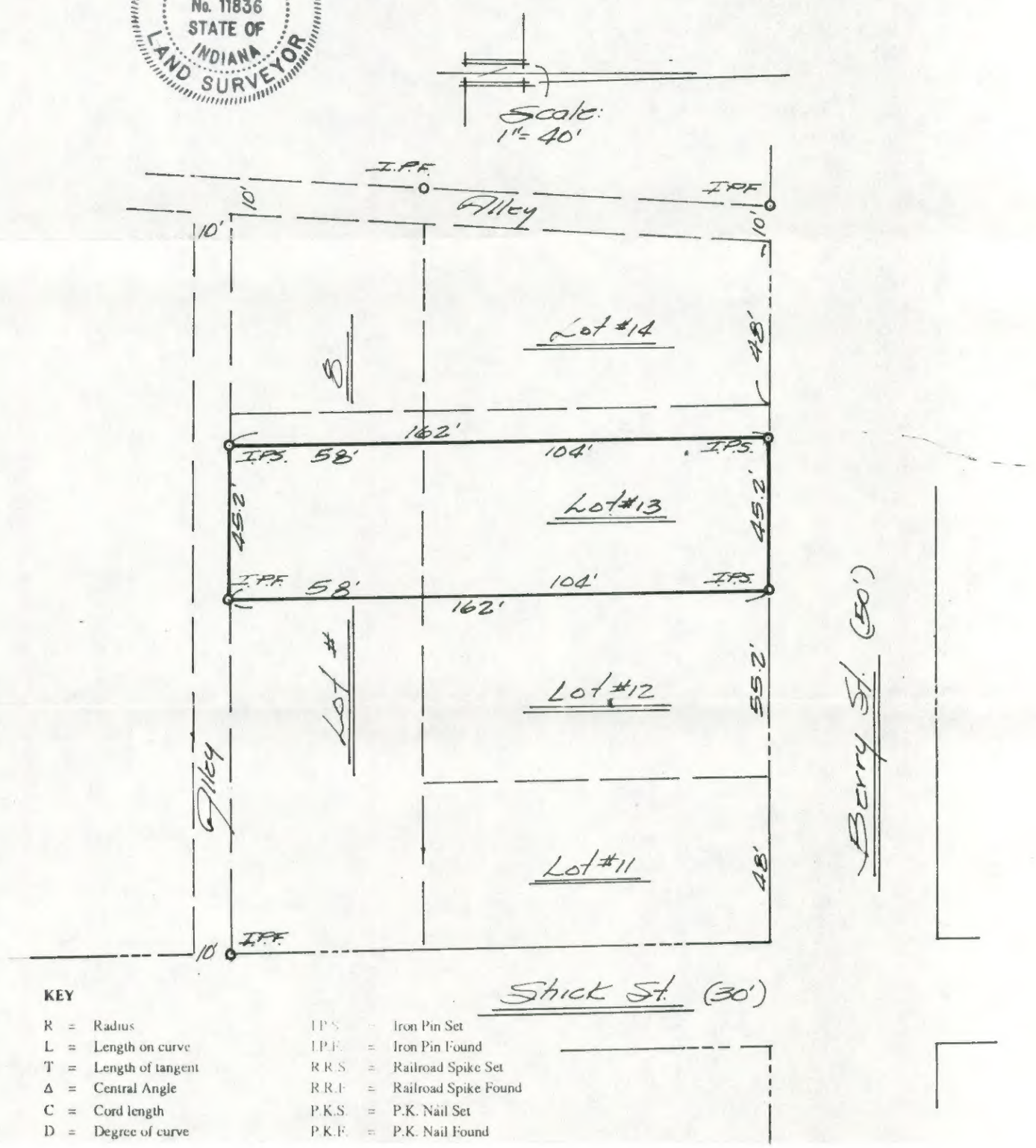
The undersigned Land Surveyor and Civil Engineer, registered as provided by an act of the 79th General Assembly of the State of Indiana, hereby certifies that he has made a survey of the real estate depicted and described below. Measurements were made in feet and decimals and the corners were perpetuated as shown, in conformity with the plat and deed record thereof in the office of the Recorder of Allen County, Indiana. No encroachment existed, except as noted. The description of the real estate is as follows, to wit:

The east 45.2 feet of Lot #13 in THIEME'S SUBDIVISION of Lots #4, #5, #12, #13 and #14 and parts of Lots #6 and #11 of PIEPENBRINK'S ADDITION to the City of Fort Wayne; and also the west 45.2 feet of the east 148.4 feet of Lot #8 in BITLER'S SUBDIVISION of Lots #15 and #16 of PIEPENBRINK'S ADDITION to the City of Fort Wayne, all according to the recorded plats thereof.

Dated this 11th day of July, 1991

(Signed) Keith E. Moody
Registered Surveyor No. 11836

KEITH E. MOODY REGISTERED No. 11836 STATE OF INDIANA LAND SURVEYOR



KEY

R =	Radius	I.P.S. =	Iron Pin Set
L =	Length on curve	I.P.F. =	Iron Pin Found
T =	Length of tangent	R.R.S. =	Railroad Spike Set
Δ =	Central Angle	R.R.F. =	Railroad Spike Found
C =	Cord length	P.K.S. =	P.K. Nail Set
D =	Degree of curve	P.K.F. =	P.K. Nail Found

MOODY, NIGHTINGALE & ASSOCIATES, INC.
Consulting Engineers and Surveyors
2220 North Wayne Street
Angola, Indiana 46703
219-665-6694

In accordance with Title 864, Article 1.1, Chapter 13, Section 1 through 34 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

VARIANCES in the reference monuments;
DISCREPANCIES in record descriptions and plats;
INCONSISTENCIES in lines of occupation as related to the surveyed lines.
RANDOM ERRORS in measurement (Theoretical Uncertainty);

The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Class A ~~B C D~~ Survey (0.10 feet, ~~0.25 feet, 0.50 feet, 1.00 feet~~) as defined in IAC 864.

Two pins were found and verified on the west side of the alley line to the west. An iron pin was found and verified on the ally line at Schick St. An iron pin was found on the north side of the east-west alley. These pins were used to reconstruct the platted lot lines.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

Due to Variances in reference monuments: None.
Due to Discrepancies in the record description: None.
Due to Inconsistencies in lines of occupation: None.

Date prepared: 07-11-91

Prepared by: Keith Moody

Survey No.: 4151

Keith E. Moody, P.L.S. 11836

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 13, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-08-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1991.

Certified and signed this
27th day of August 1991.

Robert Hutner
Secretary

#483.

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1326 & 1330 E Berry Street

2-91-05-07

EFFECT OF PASSAGE Property is currently zoned R-2 - Two Family Residential. Property will become B3B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-91-08-07
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Map Amendment
From R-2 to B3B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
1326 & 1330 E Berry St

Reason for Project
Construction of a storage building.

Discussion (Including relationship to other Council actions)

19 August 1991 - Public Hearing

William Scheele, agent for Jack Eiser Sales Co., Inc., appeared before the Commission. Mr. Scheele stated that they are requesting the change in zoning in order to facilitate the construction of a storage building.

Mel Smith questioned the size of the planned structure.

Mr. Scheele stated that it would be 33 feet by 112 feet.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

26 August 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted for the motion, one (1) did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Jack Eiser Sales, Co., Inc. City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 12 July 1991

Projected Completion or Occupancy — Date 27 August 1991

Fact Sheet Prepared by — Date 27 August 1991

Patricia Biancaniello

Reviewed by — Date 8/28/91

Michael A. Sapp

Reference or Case Number

BILL NO. Z-91-08-07

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of Fort Wayne Zoning Map No. 0-6

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (RESOLUTION)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Thomas C. Henry			
J. Bradbury			
D. Edmonds			
David C. Long			

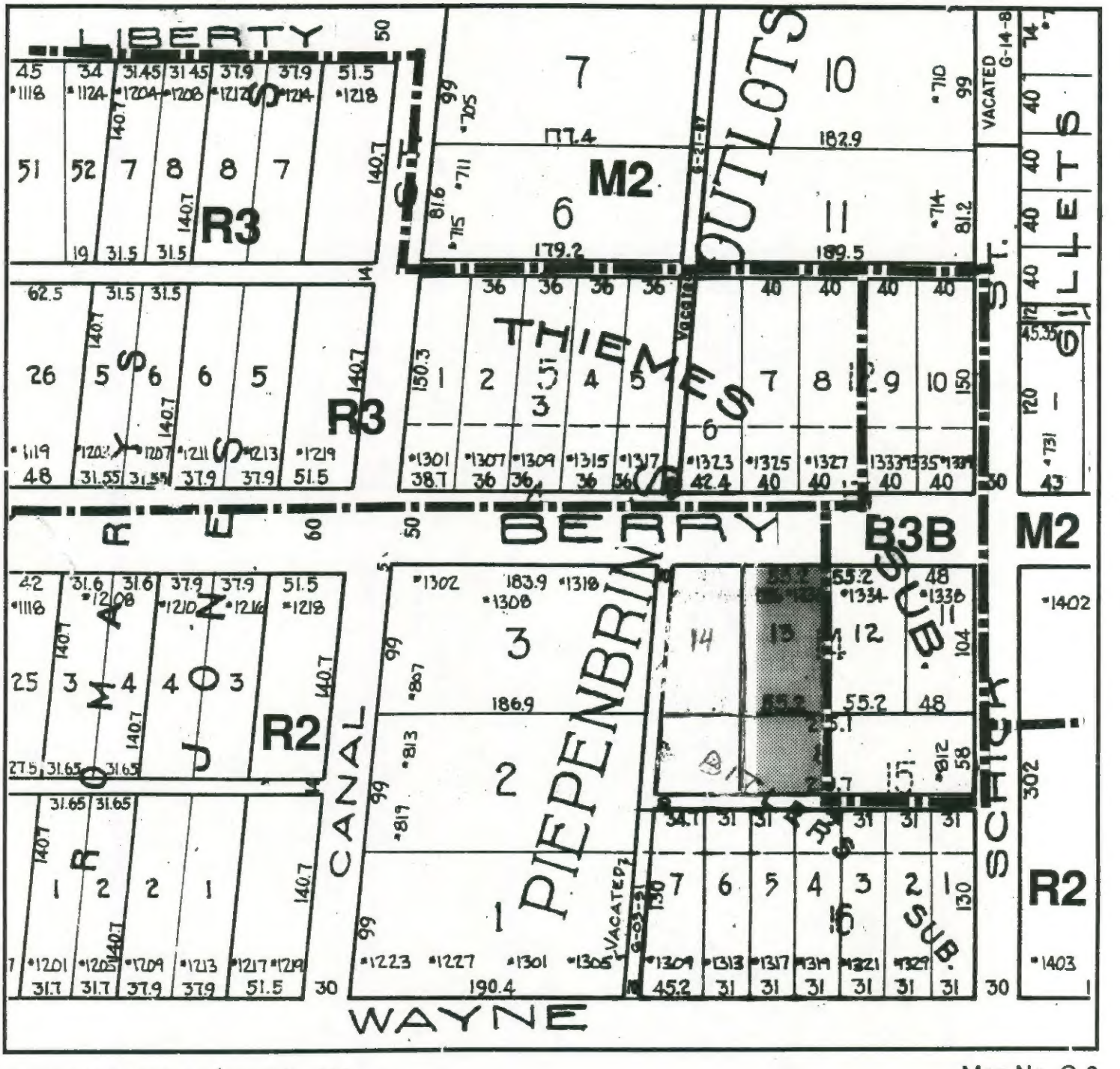
DATED: 9-10-91.

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #483



COUNCILMANIC DISTRICT NO. 1

Map No. O-6
LW 7-25-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		